

Bederson LLP
100 Passaic Avenue, Suite 310
Fairfield, NJ 07004
Tel. No. (973) 530-9181
Fax No. (862)926-2485
By: Charles N. Persing Subchapter V Trustee

Hearing Date: January 9, 2024
Time: 10:00 a.m.

Objections Due: January 2, 2024
Time: 5:00 p.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re : Chapter 11
:
CONTEMPORARY MANAGEMENT : Lead Case No. 23-22459 (SHL)
SERVICES LLC, ET AL.,¹ (Jointly Administered)
:
DEBTOR :

**FIRST AND FINAL FEE APPLICATION OF CHARLES N. PERSING AS
SUBCHAPTER V TRUSTEE, FOR ALLOWANCE OF COMPENSATION AND FOR
REIMBURSEMENT OF EXPENSES
FOR THE PERIOD JUNE 15, 2023 THROUGH NOVEMBER 27, 2023**

Name of Applicant: Charles N. Persing

Authorized to Provide Professional Services as: Subchapter V Trustee

Date of Appointment: June 16, 2023

Period for which compensation and
Reimbursement are sought: June 15, 2023 through
November 27, 2023

Amount of Compensation sought as
actual, reasonable and necessary: \$7,819.00

Amount of Expense Reimbursement sought
as actual, necessary and reasonable: \$ 0.00

Total Final Fees and Expense Approval Requested \$7,819.00

This is a(n): interim/monthly x final application

¹ Jointly administered with Dale D. Goldschlag D.D.S. P.C., d/b/a Contemporary Dental Implant Centre® (**-***6832), CDIC Holdings, LLC (**-***8684), Refined Dental Laboratory, LLC (**-***7644), and Total Dental Implant Solutions, LLC (**-***8229).

SUMMARY OF FIRST AND FINAL FEE APPLICATION

June 15, 2023 through November 27, 2023

Compensation by Professional

Name/Title	Experience (Years)	Rate/Hour	Hours	Total
Charles N. Persing Subchapter V Trustee	30+	\$490.00	15.70	\$7,693.00
Maritza M. Perez	16	170.00	0.70	126.00
		Total		\$7,819.00
Blended Rate		\$476.77		

Compensation by Project Category

Project Category	Total Hours	Total Fees
Case Administration	1.70	\$833.00
Avoidance Action Litigation	0.10	49.00
Accounting/Auditing	0.20	98.00
Business Operations	3.40	1,666.00
Claims Admin & Objections	1.10	539.00
Fee/Employment Applications	3.60	1,547.00
Meeting of Creditors, IDI, and Hearings	5.70	2,793.00
Plan & Disclosure Statement	0.50	245.00
Tax Issues	0.10	49.00
Total	16.40	\$7,819.00

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**FIRST AND FINAL APPLICATION OF CHARLES N. PERSING,
SUBCHAPTER V TRUSTEE FOR ALLOWANCE OF
COMPENSATION AND FOR REIMBURSEMENT OF EXPENSES
FOR THE PERIOD JUNE 15, 2023 THROUGH NOVEMBER 27, 2023**

TO: THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE:

Charles N. Persing as Subchapter V Trustee in the captioned debtors' case ("Trustee") submits this First and final Application (the "Application"), pursuant to § 330(a) of title 11, United States Code (the "Bankruptcy Code") and Rule 2016 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), for allowance of compensation for professional services performed and expenses incurred in connection with his role as Trustee and in support of the Application, respectfully represents:

² Jointly administered with Dale D. Goldschlag D.D.S. P.C., d/b/a Contemporary Dental Implant Centre® (**-***6832), CDIC Holdings, LLC (**-***8684), Refined Dental Laboratory, LLC (**-***7644), and Total Dental Implant Solutions, LLC (**-***8229).

RELIEF REQUESTED

1. By this Application, the Trustee seeks entry of an order authorizing the allowance and payment of final compensation in the amount of \$7,819.00 and expenses of \$0.00 for the period June 15, 2023 to November 27, 2023.

JURISDICTION AND VENUE

2. This Court has jurisdiction to consider this Application pursuant to 28 U.S.C. §§157 and 1334. This is a “core” proceeding pursuant to 28 U.S.C. §159(b). Venue of these proceedings and over this Application are proper in this district pursuant to 28 U.S.C. §§1408 and 1409.

THE APPLICATION

3. CHARLES N. PERSING was appointed as Subchapter V Trustee in the Debtors’ case pursuant to a notice of appointment dated June 16, 2023. (*See* ECF No. 4). I have attached a schedule of detailed time records, reflecting the time (Exhibit A) and expenses incurred (Exhibit B) I spent on this case.

4. Since his appointment, the Trustee has fulfilled his duties as follows:
- a. Numerous discussions with Debtor counsel and paralegal re items needed for compliance with bankruptcy code.
 - b. Undertaking limited investigation concerning the Debtor’s assets and analysis of business debt.

- c. Conferring Debtor's counsel, prior to the IDI regarding the background of the case, progress towards development of a plan and the plan confirmation process.
- d. Review limited documents provided for IDI.
- e. Attending both the IDI and section 341 meeting of creditors conducted by the Office of the United States Trustee.
- f. Conferring with Debtor's counsel regarding the background of the case, progress towards development of a plan and the plan confirmation process which was not started by Debtor.
- g. Monitor and maintain settlement discussions and agreements between the lender and Debtor.
- h. Attended the status conference held by the Court.
- i. Kept US Trustee Attorney and Analyst apprised of Debtor activity during case.
- j. Engage in numerous discussions with UST, and Debtor counsel re motion to dismiss and or convert.
- k. Review all case filings.
- l. Attend all hearings held by the Court.

STATUTORY BASIS FOR RELIEF REQUESTED

5. Bankruptcy Code §330(a)(1)(A) provides that the level of compensation that the court may award to a professional, including the subchapter V trustee, should be “reasonable compensation for actual, necessary services rendered by the . . . trustee and by any paraprofessional person employed by any such person . . .” 11 U.S.C. §330(a)(1)(A).

6. When reviewing fee applications, courts generally use the “lodestar” approach, pursuant to which the court first establishes a reasonable hourly rate of compensation based on the value of the services provided and the cost of comparable services, and then multiplies such rate by the reasonable number of compensable hours. *See Busy Beaver*, 19 F.3d at 849, n.21. *See also, In re Drexel Burnham Lambert Group, Inc.* 133 B.R. 13, 21—22 (Bankr. S.D.N.Y. 1991) (stating courts employ lodestar approach “with the ‘strong presumption’ that the lodestar product is reasonable under §330”) (citations omitted); *In re West End Fin. Advisors, LLC*, 2012 Bankr. LEXIS 3045, *12 (Bankr. S.D.N.Y. July 12, 2012) (“The rules that govern fee awards and time record keeping in bankruptcy mirror those that apply in non-bankruptcy cases. Courts outside of bankruptcy generally apply the ‘lodestar’ method”) (citations omitted); *In re Cena's Fine Furniture, Inc.*, 109 B.R. 575, 581 (E.D.N.Y. 1990).

7. Additionally, Bankruptcy Code §503(b) provides that, after notice and a hearing, administrative expenses can be awarded and paid including “compensation and reimbursement awarded under section 330(a).” 11 U.S.C. §503(b)(3).

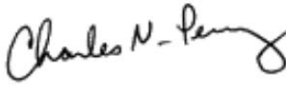
8. It is respectfully submitted that the compensation sought herein by the Trustee should be allowed based on the above standard. The rate charged is typical of other comparably skilled practitioners, and the amount of time spent was reasonable in light of the nature of the issues presented and the complexity of the Debtor’s case. The services provided were both necessary and beneficial to the administration of the case and necessary for the Trustee to fulfill his duties as Trustee as required in the Bankruptcy Code.

WHEREFORE, the Trustee respectfully requests that the Court enter an order granting this Application in its entirety and for such further and different relief as is just, proper and equitable.

Dated: Fairfield, New Jersey
December 6, 2023

Respectfully submitted,

Charles N. Persing
Subchapter V Trustee

By: 

Charles N. Persing
Bederson LLP
100 Passaic Avenue, Suite 310
Fairfield, New Jersey 07004

Schedule A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	:	Chapter 11
	:	
CONTEMPORARY MANAGEMENT	:	Lead Case No. 23-22459 (SHL)
SERVICES LLC, ET AL., ³	:	(Jointly Administered)
	:	
DEBTOR	:	
	:	

STATE OF NEW JERSEY)
)
COUNTY OF ESSEX)

I, Charles N. Persing, hereby respectfully certify and verify as follows:

1. I am Partner in the firm of Bederson LLP, maintaining an office at 100 Passaic Avenue, Suite 310, Fairfield, New Jersey 07004, and was appointed as the Subchapter V Trustee in the above-referenced bankruptcy case of Contemporary Management Services, LLC. (“Debtor”).

2. This affirmation and certification are being submitted pursuant to Bankruptcy Rule 2016(a), Local Rule 5070-1 of the Southern District of New York and pursuant to the Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed under 11 U.S.C. § 330 issued by the United States Trustee (“Guidelines”), in connection with my application (“Application”) for an final fee award of compensation in the amount of \$7,819.00 for professional

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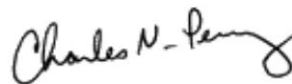
services rendered by, as Trustee, in these proceedings for the period of month June 15, 2023 through November 27, 2023. All services for which compensation is requested were for professional services performed on behalf of the Debtor.

3. The expenses incurred in the amount of \$0.00 for which reimbursement is requested in this Application were reasonable, necessary and proper in furtherance of the duties and functions of me, as Trustee, and were not incurred on behalf of any other person. The expenses incurred include only ordinary and necessary costs and charges and exclude any and all charges for sustenance so as to effectively avoid charging the Debtor's Estate for luxury accommodations and meals.

4. I am the Certifying Professional in compliance with Bankruptcy Rule 2016(a), Local Rule 5070-1 of the Southern District of New York and the Guidelines. I have read the Application and to the best of my knowledge, information and belief, formed after reasonable inquiry, the Application complies with the aforementioned Rules and Guidelines.

5. In the Application, in providing a reimbursable service, I will not make a profit on that service, and in charging for a particular service, do not include in the amount for which reimbursement is sought, the amortization of any investment, equipment or capital outlay. In seeking reimbursement for services purchased or contracted for from a third party, I request reimbursement only for the amount billed by the third-party vendor and paid to such vendor.

Dated: December 6, 2023



Charles N. Persing

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	:	Chapter 11
	:	
CONTEMPORARY MANAGEMENT	:	Lead Case No. 23-22459 (SHL)
SERVICES LLC, ET AL., ¹	:	(Jointly Administered)
	:	
DEBTOR	:	

**ORDER GRANTING APPLICATION FOR ALLOWANCE OF FINAL
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Upon consideration of the Application for Allowance of Final Compensation and Reimbursement of Expenses (the “Application”) for professional services rendered and expenses incurred by the Subchapter V trustee in this case from June 15, 2023 through November 27, 2023; and a hearing having been held before this Court to consider the Application on November 27, 2023; and due notice having been given pursuant to Federal Rules of Bankruptcy Procedure 2002(a)(6) and (c)(2); and due consideration having been given to any responses therefor; and sufficient cause having been shown therefor, it is hereby

ORDERED, that the Application is granted to the extent set forth in the attached Schedules A and B.

Dated: White Plains, New York
January __, 2024

United States Bankruptcy Judge

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Case No.: 23-22459 (SHL)

CURRENT INTERIM FEE PERIOD

Schedule A

Case Name: Contemporary Management Services, LLC 6/15/2023 TO 11/27/2023

[illegible]

Case No.: 23-22459 (SHL)

FINAL FEE APPLICATION TOTALS

Schedule B

Case Name: Contemporary Management Services, LLC 6/15/2023 TO 11/27/2023

(1) Applicant	(2) Total Fees Requested	(3) Total Fees Paid	(4) Interim Expenses Requested	(5) Total Expenses Paid
Charles N. Persing	\$7,819.00	\$7,819.00	\$0.00	\$0.00

DATE ON WHICH ORDER WAS SIGNED:

INITIALS: SHL USBJ